

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

NATIONWIDE MUTUAL FUNDS, on  
behalf of its series NATIONWIDE  
GENEVA MID CAP GROWTH FUND and  
NATIONWIDE S&P 500 INDEX FUND,

and

NATIONWIDE VARIABLE INSURANCE TRUST, on behalf of its series NVIT DNYAMIC U.S. GROWTH FUND, NVIT MULTI-MANAGER LARGE CAP VALUE FUND, NVIT S&P 500 INDEX FUND, and TEMPELTON NVIT INTERNATIONAL VALUE FUND.

Plaintiffs,

V.

PERRIGO COMPANY PLC, JOSEPH C.  
PAPA, and JUDY L. BROWN,

Defendants.

**Civil Action No. 2:18-CV-15382-MCA-LDW**

ECF Case  
Document Electronically Filed

**Motion Day: March 4, 2019**

**NOTICE OF MOTION TO DISMISS  
CERTAIN CLAIMS FROM PLAINTIFFS'  
COMPLAINT AND REQUEST FOR ORAL  
ARGUMENT**

PLEASE TAKE NOTICE that on March 4, 2019 at 10:00 a.m., or as soon thereafter as counsel may be heard, defendants Perrigo Company plc, Joseph C. Papa, and Judy L. Brown, by and through their respective counsel, shall move before the Honorable Madeline Cox Arleo, United States District Judge for the District of New Jersey, for an Order dismissing certain claims from Plaintiffs' Complaint for Violation of the Federal Securities Laws, dated October 29, 2018, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4 *et seq.*, and granting such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that in support of this motion, these defendants will rely upon the accompanying Memorandum of Law in Support of Motions to Dismiss Certain

Claims From Plaintiffs' Complaints, the Declaration of Samuel P. Groner, dated November 20, 2018, with attached exhibits, and all pleadings filed with the Court in this matter.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that the defendants request oral argument.

Dated: November 20, 2018

Respectfully submitted,

By: /s/ Alan S. Naar  
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Dated: November 20, 2018

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